

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-40 are pending in the application, with claims 1, 7, 15, 16, 23, 24, 29 and 30 being the independent claims. Claim 30 is sought to be amended for clarity. Dependent claims 38-40 are sought to be added.

These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Examiner's Response to Arguments:***

The Examiner, in response to Applicants' previous arguments, on page 2 of the Advisory Action states that

"The specification and original claims discloses submitting a request for access, but does not disclose receiving a request for access. To submit a request is different from to receive a request. There is no disclosure that the MAC levels and DAC levels indicated in Figure 1 are controllers."

Applicants respectfully disagree. In addition to the Applicants' previous arguments, in the reply filed November 19, 2007, additional support for claims 1, 7, 15, 24, 29, and 30 can be found throughout the Specification, for example, in paragraph 0042 of the instant application.

"The DAC security module 304 preferably includes software and/or hardware adapted to *receive* the electronic

*access request* 302 and to identify one or more DAC controllers associated with each of the one or more requested portions of the secured data 102” (instant application, paragraph 0042, lines 7-10, emphasis added)

Moreover, additional support for claims 1, 7, 15, 24, 29, and 30 can be found, for example, in the instant application paragraph 0038.

“Upon *receipt* of the electronic *access request* 210, the MAC controller 208 may identify one or more data classes associated with the portion of the secured data 102 requested by the MAC sponsor 112.” (instant application, paragraph 0038, lines 1-3, emphasis added)

#### ***Rejections under 35 U.S.C. § 102***

The Examiner continues to reject claims 1-4, 7-10, 14, 16-19, 24-26, 29-33 and 37 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,041,412 to Timson *et al.* ("Timson"). Applicants respectfully traverse this rejection.

The Examiner contends that Timson teaches each of the elements of independent claims 1, 7, 24 and 29, Applicants respectfully disagree. Claim 1 recites:

A method for providing an access candidate access to secured electronic data, the method comprising:

receiving a request for access candidate access to the secured electronic data by a controller associated with the secured electronic data;

comparing, at the controller, one or more attributes of the access candidate with one or more access requirements associated with the secured electronic data;

***submitting, by the controller, a request for authorization to a resolution authority in response to a comparison that indicates that access by the access candidate is prohibited without authorization; and***

granting the access candidate access to the secured electronic data if the resolution authority provides authorization for such access.

Applicants submit that Timson fails to teach all the elements of claim 1 and similarly worded claims 7, 24 and 29 for at least the following reasons. For example, using similar language, claims 1, 7, 24 and 29 all require submitting, by the controller, a request for authorization to a resolution authority in response to a comparison that indicates that access by the access candidate is prohibited without authorization.

Timson discloses an apparatus and a method for providing access to secured data or area that includes at least two secure data modules, an interrogatable module (IM) and an enable module (EM). Timson describes that first the IM transmits a challenge to the EM to determine whether the EM is authorized to perform *data operations* to the data contained on the IM. Then the EM responds to the IM's challenge, informing it whether or not it has permission. ***In the case that EM does not have appropriate permissions, no data communication is allowed.*** But if the EM has the appropriate permissions, then the EM sends a challenge to the IM to determine if the holder of IM has appropriate authority to conduct the requested *data operations*. After the authority of the holder of the IM is established, the EM transmits a request to the IM to access data. The IM responds to the request by issuing a challenge to the EM to determine whether the permissions stored on the EM allow the EM to access the data. The EM may respond to the challenge by transmitting the permissions ***or if the EM does not provide the necessary permissions, the IM prevents the EM to access the requested data*** (Timson column 3, line 11 to column 4, line 15, and also column 13, line 22 to column 14, line 40). Therefore, the apparatus and method of Timson prevents access to the secured data or prevents any data communication in response to the comparisons that indicate that either the EM or the IM do not have necessary permissions.

In contrast to such setting, which the IM prevents the EM to access the requested data if the comparisons indicate that the EM does not have the necessary permissions, claim 1 recites that in response to a comparison that indicates that access by the access candidate is *prohibited without authorization*, the *controller* submits a *request for authorization* to a *resolution authority*, and if the resolution authority provides authorization for such access, the controller grants the access candidate access to the secured electronic data. Therefore, at the controller one or more attributes of the access candidate is compared with one or more access requirements associated with the secured electronic data and if they conflict, the controller submits a request for authorization to the resolution authority. In fact, there is no resolution authority taught by Timson. In the case where there is conflict between EM or IM's permissions and the requirements, Timson's system prevents data communication or data access.

Therefore, for at least the above reasons, Timson fails to disclose all features of independent claim 1. Independent claims 7, 24 and 29 are patentable for similar reasons.

In addition, the Examiner rejected claims 2-4, 8-10, 14 and 25-26 as being anticipated by Timson. These dependent claims necessarily include all features of claims 1, 7 and 24. As discussed above, Timson fails to disclose all features of claims 1, 7, 24 and 29, therefore claims 2-4, 8-10, 14 and 25-26 are not anticipated by the cited reference.

The Examiner rejected claims 16 and 30 as likewise being anticipated by Timson. These independent claims contain similar language to claims 1, 7, 24 and 29 and are patentable for the same reasons discussed above. Dependent claims 17-19, 31-33 and 37 necessarily include all features of claims 16 and 30 respectively. Timson fails to disclose

all features of claims 16 and 30, therefore claims 17-19, 31-33 and 37 are not anticipated by Timson.

***Rejections under 35 U.S.C. § 103***

The Examiner rejected claims 5, 6, 11-13, 15, 20-23, 27-28 and 34-36 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Timson in view of U.S. Patent publication 2004/0049687 of Orsini *et al.* ("Orsini"). Applicants respectfully traverse this rejection.

Independent claims 15 and 23 contain similar language to claims 1, 7, 24 and 29 and are patentable over Timson for the same reasons discussed above. Further, Orsini fails to cure the deficiencies of Timson as noted above. Orsini does not teach what is missing from Timson, for example the resolution authority which is disclosed in claim 15 and 23. Therefore claims 15 and 23 are patentable over Timson and Orsini taken alone or in combination for at least the reasons provided above.

In addition, the Examiner rejected claims 5-6, 11-13, 20-22, 27-28 and 34-36 as allegedly being unpatentable over Timson in view of Orsini. These dependent claims necessarily include all features of claims 1, 7, 16, 24 and 30 respectively. As discussed above, Timson fails to disclose all features of claims 1, 7, 16, 24 and 30, and further Orsini fails to cure the deficiencies of Timson as noted above. Therefore claims 5-6, 11-13, 20-22, 27-28, and 34-36 are patentable over Timson and Orsini taken alone or in combination for at least the reasons provided above.

***New Claims 38-40***

New dependent claims 38-40 are sought to be added. These claims depend from independent claim 1, and should be found allowable for the reasons discussed above.

Support for dependent claims 38-40 could be found throughout the Specification, for example, page 11, paragraph 0033 of the instant application.

Also, Applicants assert the dependent claims are patentable over the applied references in view of their additional combinations of distinguishing features. For example, the "granting a waiver of one or more access requirements associated with the secured electronic data" feature recited in claim 38, the "modifying the one or more access requirements associated with the secured electronic data" feature recited in claim 39, and the "excluding the electronic data assigned to one or more prohibited data classes from access by the access candidate" feature recited in claim 40 are not explicitly or implicitly taught or suggested by the applied references. In contrast, in the case where there is conflict between EM or IM's permissions and the requirements, Timson's system prevents data communication or data access. There is absolutely no attempt to resolve the conflict in Timson's system. Moreover, Orsini is relied upon to teach that one or more access requirements are related to at least one of a citizenship status of the access candidate and a current location of the access candidate. Assuming this is correct, Orsini is not relied upon to teach or suggest, nor does it teach or suggest, the distinguishing features of claims 38-40. Thus, Orsini fails to cure the deficiencies of Timson as noted above.

### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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